

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:08cv79**

<b>AMY R. YATES,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>Vs.</b>	)	<b>ORDER</b>
	)	
<b>HVM, LLC, a Delaware limited liability</b>	)	
<b>company, d/b/a HV Management LLC,</b>	)	
<b>and as Extended Stay America,</b>	)	
	)	
<b>Defendant.</b>	)	
_____	)	

**THIS MATTER** is before the court on plaintiff's Motion for an Order Shortening Time for the Filing of Opposition and Reply (Second motion contained in #15). Having considered plaintiff's motion and reviewed the pleadings, and it appearing that discovery will not end until October 1, 2008, and that the Motion to Compel should ripen not later than early September, the motion will be denied.

Plaintiff is, however, free to file plaintiff's reply early, which could save up to 13 days. Plaintiff has also requesting a hearing in the text of the supporting memorandum of law. (#16, at 1) Hearings are not routinely allowed on discovery disputes and the court cannot determine from a one-sided review whether the Motion to Compel raises any issues that cannot be fully addressed on paper. Such request

will be denied without prejudice, and either side may move for a hearing after the motion has been fully briefed.

Plaintiff is advised that combining motions for expedited briefing and for hearing in discovery motions and the supporting memoranda is risky business. Typically, motions are routinely tickled for the appropriate response period when they come in and are not reviewed until all parties have fully briefed the issues. This saves court time and produces a result based on all the arguments. It was simply happenstance that the additional requests were discovered. Counsel is free to file separate motions when expedited relief is sought.

Plaintiff is respectfully reminded that with a limited number of exceptions, the Local Civil Rules require that consultation be reflected in the text of every motion. Plaintiff does not reflect in the motion that defendants were consulted as to the motion to expedite briefing, the motion for hearing, or the motion to compel.<sup>1</sup> See L.Civ.R. 7.1(B).

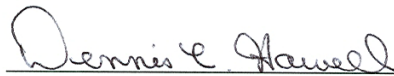
## **ORDER**

---

<sup>1</sup> The motion does reflect that a meet-and-confer letter was sent and discussions were held regarding the discovery deficiencies, a prerequisite under Rule 37 to filing a motion to compel. Apparently, plaintiff was unsatisfied with the last supplemental answer served Friday, August 1, 2008, and filed this motion on Monday, August 4, 2008.

**IT IS, THEREFORE, ORDERED** that plaintiff's Motion for an Order Shortening Time for the Filing of Opposition and Reply (motion contained in #15) is **DENIED** and the Motion for Hearing contained in the supporting brief (#16) is **DENIED** without prejudice.

Signed: August 5, 2008



Dennis L. Howell  
United States Magistrate Judge

